

FIFTIETH DAY
(Wednesday, April 13, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

Father Carl Danielson, St. David's Episcopal Church, Garland, Texas, offered the invocation as follows:

O God, Creator of all things and source of life of all people, even in our foolishness and ignorance we are aware of the many problems and troubles that are pressing upon us. We know, O Lord, that these are the things that effect lives. And so we pray for Your mighty and gracious help for the men and women of the Senate of the State of Texas and all those who assist them. Grant they may be strengthened to bear the burden of their task. Give them courage and wisdom, help them be compassionate and understanding. Open their eyes and minds to see and know Your will in the fulfillment of these great and awful responsibilities. And we pray also, O heavenly Father, to bestow upon this House of Government a cheerful spirit of co-operation and joy, that this necessary work of government, which You have given to them, may be accomplished to Your honor and glory through our Lord and Savior Jesus Christ. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.B. 26
S.B. 59
S.B. 94
S.B. 202
S.B. 203
S.B. 446
H.C.R. 43
H.C.R. 70
H.C.R. 122
H.C.R. 131
H.B. 452
H.B. 455
H.B. 570
H.B. 628
H.B. 694
H.B. 760

H.B. 828**NOTICE OF LOCAL AND UNCONTESTED BILLS CALENDAR**

On motion of Senator Adams and by unanimous consent, the Senate agreed to hold a Local and Uncontested Bills Calendar at 8:30 o'clock a.m. tomorrow.

NOTICE OF EXECUTIVE SESSION

Senator McKnight gave Notice that he would move for an Executive Session of the Senate tomorrow at 10:45 o'clock a.m.

COMMUNICATION FROM THE PRESIDENT

April 13, 1977

MEMORANDUM

TO: Members of the Senate

FROM: Bill Hobby

SUBJECT: Consideration of Bills on Third Reading

Because of the volume of legislation to be considered by the Senate during the remaining days of the session, I would like to suggest that bills be considered on third reading on the day following their second reading rather than on the same day. The instigation of this practice would eliminate the need for the roll call required to suspend the three-day rule for each bill and would therefore conserve session time and require less journal space and printing cost. The practice would also allow members to review amendments added on second reading before final passage.

REPORTS OF STANDING COMMITTEES

Senator Adams submitted the following report for the Committee on Administration:

S.C.R. 84 (Ordered not printed)
S.C.R. 85 (Ordered not printed)

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

S.B. 819
S.B. 1208
C.S.S.B. 917 (Read first time)
C.S.S.B. 978 (Read first time)
C.S.S.B. 979 (Read first time)
C.S.S.B. 1143 (Read first time)

Senator Mauzy submitted the following report for the Committee on Education:

S.B. 1036

S.B. 1037

C.S.S.B. 862 (Read first time)

Senator Schwartz submitted the following report for the Committee on Jurisprudence:

H.B. 609

S.B. 471

S.B. 996

S.B. 271

S.B. 146

H.B. 812

S.B. 49

C.S.S.B. 523 (Read first time)

C.S.S.B. 272 (Read first time)

C.S.S.B. 938 (Read first time)

C.S.S.B. 710 (Read first time)

C.S.S.B. 156 (Read first time)

C.S.S.B. 716 (Read first time)

C.S.S.B. 157 (Read first time)

MESSAGE FROM THE HOUSE

House Chamber

April 13, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 86, Recalling **S.B. No. 613** from the Governor.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS ON FIRST READING

By unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1246 by Traeger Natural Resources
Relating to the transfer of custody and control of part of the property known as Alamo Park Complex to the Daughters of the Republic of Texas.

S.B. 1247 by Moore State Affairs
Relating to prohibiting campaign contributions to Judges and Judicial candidates by lawyers, groups of lawyers, bar associations and other organizations requiring a law degree or law license as a prerequisite to membership and providing a penalty for violation. Adding Art. 15.18 to Vernon's Annotated Texas Statutes, Election Code, and declaring an emergency.

S.B. 1248 by Adams

State Affairs

Relating to certain political advertising; amending Section 245, Texas Election Code, as amended (Article 14.09, Vernon's Texas Election Code) by adding a new Subsection (C); amending present Subsection (C) and renumbering the same; and declaring an emergency.

S.B. 1249 by Snelson

Natural Resources

Creating Upton County Water District as a conservation district, under Article 16, Section 59 of the Texas Constitution, declaring the district a governmental agency, body politic and corporate, with boundaries coterminous with the boundaries of Upton County, finding benefit to all property within the district, defining the boundaries, established for the purpose of providing a source of water supply for municipal, domestic, agricultural, commercial and industrial use, and diverting, impounding, storing, treating, and transporting the same, and acquiring, constructing and operating water facilities; providing for the exercise of powers granted by Chapter 25 of the Texas Water Code to districts created under Article XVI, Section 59 of the Texas Constitution; providing for a board of directors for the government of said district; providing the means of annexing additional territory to said district; and levying maintenance tax, authorizing the district to obtain permits from the Texas Water Rights Commission and from owners of permits; requiring supervision of the Texas Water Rights Commission; authorizing the district to acquire any interest in land for its purpose by condemnation; providing that any construction contract in excess of \$5,000 should be made only after publication of notice; authorizing the district to issue bonds and providing for the payment and security thereof; providing that said bonds shall be payable either from ad valorem taxes or revenues, or a combination of ad valorem taxes and revenues; authorizing the issuance of refunding bonds; authorizing the execution of trust indentures or deeds of trust to secure bonds payable from revenues or partly from revenues; providing for elections approving the issuance of bonds payable wholly or partially from ad valorem taxes; authorizing the district to enter into contracts with public agencies, political subdivisions, and others, including specifically the cities of McCamey and Rankin for any purpose relating to the district's powers and functions, including supplying water to them, and for operations of the district's water facilities; authorizing all public agencies and political subdivisions, including specifically the cities of McCamey and Rankin, to contract with and convey land or any interest therein to the district; providing for the approval of bonds issued by the district by the attorney general and registration of bonds by the Comptroller of Public Accounts of the State of Texas, supervision by the Texas Water Rights Commission; prescribing other powers and duties of the district; providing a severability clause; and declaring an emergency.

HOUSE BILLS ON FIRST READING

The following bills received from the House, were read the first time and referred to the Committee indicated:

- H.B. 2058**, To Committee on State Affairs.
- H.B. 1140**, To Committee on Intergovernmental Relations.
- H.B. 1876**, To Committee on State Affairs.
- H.B. 1854**, To Committee on Human Resources.
- H.B. 1793**, To Committee on Jurisprudence.
- H.B. 1792**, To Committee on Jurisprudence.
- H.B. 1653**, To Committee on Natural Resources.

H.B. 1519, To Committee on Intergovernmental Relations.
H.B. 1453, To Committee on Intergovernmental Relations.
H.B. 1430, To Committee on Natural Resources.
H.B. 1424, To Committee on Intergovernmental Relations.
H.B. 1304, To Committee on Jurisprudence.
H.B. 1233, To Committee on Intergovernmental Relations.
H.B. 1195, To Committee on Natural Resources.
H.B. 1166, To Committee on Natural Resources.
H.B. 1029, To Committee on Intergovernmental Relations.
H.B. 1026, To Committee on State Affairs.
H.B. 533, To Committee on Intergovernmental Relations.
H.B. 992, To Committee on Jurisprudence.
H.B. 815, To Committee on State Affairs.
H.B. 21, To Committee on Human Resources.
H.B. 42, To Committee on State Affairs.
H.B. 591, To Committee on Intergovernmental Relations.
H.B. 751, To Committee on Intergovernmental Relations.

HOUSE CONCURRENT RESOLUTION 73

The President laid before the Senate the following resolution:

WHEREAS, It is a conspicuously rare individual who so nobly embodies the attributes of civic dedication, statesmanship, courage, and humanitarianism as does the Honorable Elmer Tarbox; and

WHEREAS, As a youth growing up in Higgins, Texas, Elmer Tarbox was unusually industrious, always working at local jobs while pursuing active roles in the Boy Scouts of America and the town's Methodist Church, in addition to meeting the demands of schoolwork at which he obviously excelled, having been selected as valedictorian of his senior class and as a member of the National Honor Society; and

WHEREAS, While attending Texas Tech University, an institution whose ex-students' association would later elect him to serve as president of the organization, former Representative Tarbox distinguished himself as a premier athlete by lettering in football, basketball, and track; he led the nation in interceptions on the gridiron in 1938 and won the conference championship in both low and high hurdles in 1939, earning for himself one of the first prestigious places in the Texas Tech Athletic Hall of Honor; and

WHEREAS, After joining the Air Force in 1940, Elmer Tarbox went on to serve four-and-a-half years in the armed forces, with three of those years spent flying B-25's under the command of General Chennault in the volatile and legendary Asian theatre where his leadership and courage earned him the Purple Heart, Silver Star, and Air Medals; and

WHEREAS, A five-term member of the Texas House of Representatives from Lubbock, this distinguished legislator served in the 60th, 61st, 62nd, 63rd, and 64th Legislatures, and was a member of the Constitutional Convention of 1974, as well as of the special Impeachment Session in 1975; and

WHEREAS, His tireless energies were recognized by the speakers under whom he served with appointment to important committees, and his legislative efforts resulted in vastly improved expansion of Texas Tech University, including the establishment of new schools of law and medicine; he was also instrumental in assuring the continued social and economic growth of Lubbock and the High Plains through legislation which he helped sponsor, all accomplishments testimonial to the foresight and determination of this singular public servant; and

WHEREAS, Upon learning that he was a victim of Parkinson's Disease, Elmer Tarbox gave courageously and generously of his time and energy in order that an adequate clinical and research facility might be established at the Texas Tech Medical School which would provide treatment and encouragement to others afflicted with the mysterious and devastating disease; and

WHEREAS, In 1972, university officials announced the creation of the Tarbox Parkinson Disease Institute, one of six such facilities in the world and only the third program of its kind in the United States; the institute has already gained international recognition for its intensive and invaluable research into the symptoms, cause, and treatment of Parkinsonism, and Elmer Tarbox has signed himself as a "human guinea pig" for experimental drugs to find a proper medicine that will stop the progressive disease afflicting one-and-a-half million people in the United States; and

WHEREAS, Elmer Tarbox, a colleague and friend to so many in this 65th Legislature, is a noble son of Texas, one deserving the acclaim of his associates, the emulation of those who would serve mankind; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 65th Legislature commend the Honorable Elmer Tarbox for his selfless dedication to the health and welfare of his fellow citizens, his energetic pursuit of ideals leading to the betterment of his native High Plains and the entire State of Texas, and express heartfelt gratitude for the boundless courage and determination, born of his own suffering, which have offered hope and inspiration to countless other individuals; and, be it further

RESOLVED, That an official copy of this resolution be prepared for former Representative Tarbox as an expression of highest esteem from the Legislature of the State of Texas.

HEATLY
SALINAS

The resolution was read.

On motion of Senator Hance and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

On motion of Senator Aikin and by unanimous consent, the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereto.

Senator Hance presented the family of Mr. Tarbox to the Members of the Senate.

Mrs. Tarbox expressed her appreciation for the resolution and acknowledged the presence of the Members of the House of Representatives in the Senate Chamber.

Senator Aikin expressed appreciation to The Honorable Dolph Briscoe and The Honorable Bill Clayton for their presence for the adoption of the resolution honoring The Honorable Elmer Tarbox.

HOUSE BILL 459 ON SECOND READING

On motion of Senator Jones of Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 459, A bill to be entitled An Act relating to restricting driving privileges to occupational, rehabilitation, or educational purposes after conviction of certain offenses; amending Subsection (a), Section 25, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to third reading.

HOUSE BILL 459 ON THIRD READING

Senator Jones of Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 459** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE BILL 416 ON SECOND READING

Senator Mengden moved to suspend the regular order of business to take up for consideration at this time:

S.B. 416, Relating to the rights of medical personnel and private health care facilities not to perform abortions.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Mengden offered the following committee amendment to the bill:

Amend **S.B. 416**, Section 2, line 10 by adding the word "private" before health care facility.

The committee amendment was read and was adopted.

Senator Doggett offered the following amendment to the bill:

Amend **S.B. 416**, Section 3 by adding the following sentence after the word "procedure": No physician, nurse, staff person or employee shall be discriminated against for their willingness to participate in abortion procedures at other facilities.

The amendment was read and was adopted.

Senator Doggett offered the following amendment to the bill:

In Section 3, line 28, strike the words "objections to" and substitute "attitudes concerning."

The amendment was read and was adopted.

On motion of Senator Mengden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 416 ON THIRD READING

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 416** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 895 ON SECOND READING

Senator Moore moved to suspend the regular order of business to take up for consideration at this time:

S.B. 895, Relating to the validation of annexations and other governmental acts and proceedings of certain municipalities.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Clower, Mauzy, Sherman.

Absent: Meier.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

(Senator Harris in Chair)

SENATE BILL 895 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 895** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Clower, Mauzy, Sherman.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Clower, Mauzy, Sherman.

COMMITTEE SUBSTITUTE SENATE BILL 1180 ON SECOND READING

Senator Adams asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1180, Ratifying, confirming, approving, and validating the creation and organization of hospital districts created under the provisions of Article IX, Section 9 of the Constitution of Texas, with a population of less than 40,000 according to the last preceding federal census, all proceedings and actions taken by the board of directors or governing bodies of such districts in organizing, selecting officers, voting taxes, voting, authorizing, selling or issuing bonds of such districts; all bonds heretofore voted, authorized, approved, sold or issued by any such district, and related matters; providing a non-litigation clause; providing a saving clause; and declaring an emergency.

There was objection.

Senator Adams then moved to suspend the regular order of business and take up **C.S.S.B. 1180** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Clower, Jones of Taylor, Mauzy, Sherman.

The Presiding Officer then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Mauzy and Clower asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1180 ON THIRD READING

Senator Adams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1180** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Clower, Jones of Taylor, Mauzy, Sherman.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Clower, Jones of Taylor, Mauzy, Sherman.

(President in Chair)

SENATE BILL 469 ON SECOND READING

Senator Jones of Taylor moved to suspend the regular order of business to take up for consideration at this time (The bill having been read second time and amended on April 6.):

S.B. 469, Amending the Securities Act, Chapter 269, Acts of the 55th Legislature, Regular Session, 1957, as amended (Articles 581-1 et seq., Vernon's Texas Civil Statutes), by amending Section 33 to provide for liability of sellers, buyers, issuers control persons and aiders; to clarify damages and rescission rights and allow recovery of attorney's fees; to provide statutes of limitations; to permit rescission offers.

The motion prevailed by the following vote: Yeas 23, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Sherman, Snelson, Traeger, Williams.

Nays: Doggett, Jones of Harris, Mauzy, Patman, Schwartz, Truan.

Absent: Creighton, McKnight.

Question - Shall the bill as amended be passed to engrossment?

Senator Doggett offered the following amendment to the bill:

Amend **S.B. 469** on page 1 by adding a period after the word "omission" on line 48 and deleting the remainder of the sentence thereafter on lines 48-51.

The amendment was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Braecklein, Brooks, Doggett, Farabee, Hance, Jones of Harris, Mauzy, Patman, Schwartz, Sherman, Snelson, Truan.

Nays: Adams, Aikin, Andujar, Clower, Creighton, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Traeger, Williams.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Patman, Doggett, Mauzy and Sherman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 469 ON THIRD READING

Senator Jones of Taylor moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 469** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Snelson, Traeger, Truan, Williams.

Nays: Doggett, Mauzy, Patman, Schwartz, Sherman.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Patman, Sherman, Mauzy, Truan, Schwartz, Doggett and Sherman asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 747 ON SECOND READING

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 747, Relating to commissioning certain housing security officers as peace officers; amending Chapter 462, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 1269k, Vernon's Texas Civil Statutes), by adding Section 8a; amending Article 2.12, Code of Criminal Procedure, 1965, as amended.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up **S.B. 747** for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mengden, Parker.

Absent: Jones of Taylor.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Mauzy offered the following committee amendment to the bill:

Amend **S.B. 747** by striking lines 1 and 2, page 2 of said bill and adding a period after line 24, page 1 of said bill.

The committee amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Lombardino asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 747 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 747** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Mauzy, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Lombardino, Mengden, Parker.

Absent: Longoria.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Lombardino, Mengden, Parker.

COMMITTEE SUBSTITUTE SENATE BILL 170 ON SECOND READING

Senator Clower asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 170, Relating to civil remedies for intercepting, attempting to intercept, or causing, aiding, or permitting interception of certain communications as defined in the Act and for the use or divulgence of certain information obtained by interception; making certain exceptions; providing criminal penalties for certain acts.

There was objection.

Senator Clower then moved to suspend the regular order of business and take up **C.S.S.B. 170** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Andujar, Farabee, Jones of Taylor, Mengden.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 170 ON THIRD READING

Senator Clower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 170** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Andujar, Farabee, Jones of Taylor, Mengden, Patman.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Andujar, Farabee, Jones of Taylor, Mengden, Patman.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE SENATE BILL 89 ON SECOND READING**

Senator Brooks moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 89, Relating to prevention of drug dependence and to treatment and rehabilitation of drug-dependent persons; providing the powers, duties, and responsibility of the executive director of the Texas Department of Community Affairs in establishing and supervising a drug dependence treatment program; providing for cooperation of other state agencies and members of the criminal justice system in carrying out the provisions of this Act; making certain records and information confidential; providing for development of plans for insurance to cover dependence on controlled substances or alcohol; providing for applicability of this Act to mentally ill or juvenile drug-dependent persons; providing certain admission, commitment, transfer, and release procedures; relating to police referral and disposition of drug-dependent persons; providing a saving clause and a severability clause; defining an offense and providing penalties; and declaring an emergency.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 16, Nays 15.

Yeas: Braecklein, Brooks, Clower, Doggett, Jones of Harris, Kothmann, Lombardino, Mauzy, Meier, Ogg, Parker, Patman, Santiesteban, Schwartz, Truan, Williams.

Nays: Adams, Aikin, Andujar, Creighton, Farabee, Hance, Harris, Jones of Taylor, Longoria, McKnight, Mengden, Moore, Sherman, Snelson, Tragger.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 499 - by Longoria: Extending congratulations to Mrs. Ruth Louise McDonald.

S.R. 500 - by Clower: Extending welcome to Father Carl Danielson.

S.R. 501 - by Doggett: Extending welcome to Sims Elementary School 5th Grade class.

S.R. 502 - by Doggett: Extending welcome to Norman Elementary School 5th Grade class.

S.R. 503 - by Clower: Extending welcome to Democratic Women of Garland, Texas.

S.R. 504 - by Clower: Extending welcome to Father and Mrs. Carl Danielson.

S.R. 505 - by Clower: Extending congratulations to Carl Philip Danielson.

S.R. 506 - by Clower: Extending congratulations to Jennifer Elizabeth Danielson.

S.R. 507 - by Clower: Extending welcome to Eastfield College students.

S.R. 508 - by Clower: Extending welcome to Richland College students.

S.R. 509 - by Clower: Extending welcome to Mountain View College students.

S.R. 510 - by Adams: Extending congratulations to Lee Baltimore.

S.R. 511 - by Clower: Extending welcome to Senator Mike McKool.

S.R. 512 - by Clower: Extending welcome to Judge Jim Wallace.

S.R. 513 - by Clower: Extending welcome to Representatives from Garland Independent School District, Garland Chamber of Commerce, and the City of Garland.

S.R. 514 - by Clower: Extending welcome to Mr. and Mrs. A. E. Clower.

S.R. 515 - by Clower: Extending welcome to Cherry Ann Higgins.

RECESS

On motion of Senator Aikin the Senate at 12:10 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

(April 13, 1977)

S.B. 26

S.B. 59

S.B. 94

S.B. 202

S.B. 203

S.B. 446

FIFTIETH DAY

(Continued)

(Thursday, April 14, 1977)

AFTER RECESS

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Jones of Harris.